

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:07cr32

UNITED STATES OF AMERICA

)

vs.

)

WALTER CLIFTON MARTIN, JR.

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ORDER

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)

THIS MATTER is before the Court upon motion of the defendant, filed July 15, 2009, to amend the judgment and impose a sentence to be served in a half-way house. (Doc. No. 45).

The judgment was entered on June 4, 2009 (Doc. No. 43); therefore, it can not now be amended pursuant to Rule 35(a) of the Federal Rules of Criminal Procedure. Even if the Court had the authority to alter the judgment, the Court would not do so because the judgment accurately reflects that the six-month sentence was recommended, not ordered, to be served in a half-way house.¹ The defendant has not alleged that the Bureau of Prisons abused its discretion in designating the defendant to a federal correctional institution for service of the sentence.

IT IS, THEREFORE, ORDERED that the defendant's motion is **DENIED**.

Signed: July 29, 2009



Robert J. Conrad, Jr.
Chief United States District Judge


¹ On its own motion, the Court extended the defendant's reporting deadline to enable the Bureau of Prisons to complete its review of the recommendation. (Doc. No. 44).